REMARKS

Claims 1-3 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tretter et al. in view of Luo. Luo is cited as disclosing a Bayesian network. The Examiner suggests it would be obvious to replace the nodal neural network of Tretter et al. with the Bayesian network of Luo to arrive at the claimed invention. Applicants respectfully traverse the rejection.

Applicants first note Luo was cited and disclosed in the instant application as an example of a Bayesian network. Applicants have always maintained that Bayesian networks per se are known. Applicants, however, employ the use of a Bayesian network (which in itself is conventional) in a new application to solve a long standing problem in the art and achieve superior results. Applicants are not arguing that a Bayesian network is new, applicants are arguing that neither Tretter et al. nor Lou disclose or suggest the use of a Bayesian network as claimed.

Applicants note the present invention employs two different data processing paths to generate two separate initial estimates, namely, a content-based estimate and a metadata-based estimate. The two estimates are then integrated into a final integrated estimate of image class. As described on page 9 of the instant application, there may be situations when a content-based estimate or a metadata-based estimate is not produced, but instead, null estimates are produced. In order to deal with the null estimates, applicants have applied the use of a Bayesian network to generate the final integrated estimate of image class.

In contrast, Tretter et al. discloses a system in which a network is utilized to perform content-based analysis, meta-data based analysis <u>or a combination of the two</u> (paragraph [0009] of Tretter et al.). As applicants previously argued, Tretter et al. clearly fails to disclose the generation of a separate metadata-based estimate and a content-based estimate along two separate and distinct data processing paths. The Examiner has previously argued that reference to "a combination of the two" would suggest that two separate data paths are used to produce two separate estimates, but this is clearly incorrect and not supported by the reference. Fig. 3 of Tretter et al., for example, illustrates that both metadata and image data are provided to a classification function node 38 that performs a classification estimate based on the combination of data types.

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In other words, Tretter et al. discloses using both types of data as inputs to a single classification node and not generating two separate types of classifications as set forth in the claims. This distinction between Tretter et al. and the claimed invention is relevant, because Tretter et al. never discloses or suggests a situation where insufficient data or a missing data element is provided to the classification node. Accordingly, there is no need to utilize a Bayesian network to perform classification on any level in Tretter et al. and therefore no suggestion to combine the references as proposed by the Examiner.

In contrast, the claimed invention is meant to deal with situations in which either metadata or content based data is either missing or not considered necessary to determine an image classification. Accordingly, the present invention provides for separate and distinct processing to produce two separate image classification estimates which are then integrated to generate a final estimate. Since, a null may be generated from either data processing path, it is necessary to employ the use of a Bayesian network, which is capable of functioning when evidence is missing from the data set applied to the network, in order to process the estimates produced from the separate data paths.

In order to clarify the differences between the claimed invention and Tretter et al., applicants have amended the claims to further distinguish the use of two separate data processing paths and the potential generation of null estimates along each path. Applicants submit none of the references of record disclose or suggest the features of the claims as amended.

Claims 6 and 7 also stand rejected under 35 U.S.C. §103(a) as being obvious in view of Tretter et al. and Luo and secondary references Schroder et al. and Cooper respectively. Applicants submit the secondary references fail to overcome the deficiencies of the primary references discussed above. Accordingly, claims 6 and 7 are also believed to be allowable for the same reasons set for the with respect to claims 1-3 and 5.

In the event the Examiner believes the instant amendment would be sufficient to define over the present rejection, but cannot be entered as it would raise new issues or require further search, it is requested that the Examiner indicate such position in an Advisory Action so that applicants may consider whether a Request for Continued Examination would be appropriate or whether applicants will appeal based on the claims as finally rejected.

The present amendment is being submitted by applicants' local counsel. The Examiner is asked to contact the undersigned should there be any question regarding the amendment.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and the allowance of the present application.

Respectfully submitted,

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